IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

WRIT PETITION NO.8128 OF 2004

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.

Court's or Judge's orders

Mr. R.V. More, for the Petitioners

Mr. A.H. Palekar, A.G.P. for Respondent NO.2.

Mr. G.S. Godbole, for Respondent No.3.

CORAM : F.I. REBELLO,J.
DATED : JANUARY 24, 2005

P.C.

. Petitioners raised a dispute under Section 91 pursuant to a communication by Respondent No.2 directing the Respondent No.1 to hold elections to the vacancies in Respondent No.1. The contention of petitioners herein is that they were duly co-opted to the vacancies which had arisen. The respondent No.1 till yet pursuant to the direction of Respondent No.2 has not taken any steps to either remove the petitioners if they have not been co-opted or to fill in the vacancies in terms of the directions of the Respondent No.2. Considering that the dispute was premature as both the parties are not parties as contemplated under Section 91 of the Maharashtra Co-operative Societies Act. Considering that it was not

open to the Appellate Court to go into the merits of the matter even though same arguments had been advanced. Considering that the impugned order dated 21st September, 2004 is set aside. With the above observation Writ Petition disposed of. No order as to costs.

2. On behalf of the petitioners learned Counsel makes a statement that he will withdraw the Appeal. Statement accepted. Copy of this order be placed before the Appellate Authority for passing consequential order. It is made clear that on merits all questions are left open for consideration by the Appropriate Authority as and when the dispute is raised.

. Parties/Authorities to act on an ordinary copy of this order duly authenticated by the Personal Secretary of this Court.

(F.I. REBELLO, J.)